



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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REGIONAL
ADMINISTRATOR'S
DIVISION

May 13, 2021

Karen Schank, Tillamook Field Manager
BLM Tillamook Field Office
4610 Third Street
Tillamook, Oregon 97141

Dear Karen Schank:

The U. S. Environmental Protection Agency has reviewed the Bureau of Land Management notice to prepare an Environmental Assessment for the Upper Willamina Forest Management Project in Tillamook and Yamhill Counties, Oregon (EPA Region 10 Project Number 21-0020-BLM). Our comments are provided pursuant to the National Environmental Policy Act, the Council on Environmental Quality regulations (40 CFR §§ 1500-1508), and Section 309 of the Clean Air Act.

According to the notice, the BLM proposes to evaluate the potential environmental impacts associated with implementing the management direction in the 2016 Northwestern and Coastal Oregon Resource Management Plan for three land use allocations (LUAs). The forest management activities that will occur on approximately 2,617 acres include: regeneration harvest (410 acres) and commercial thinning (785 acres) within the Harvest Land Base LUA; commercial thinning (1,018 acres) within the Late Successional Reserve LUA; and commercial thinning (404 acres) within the Riparian Reserve LUA. In addition, there will be road construction and renovation, culvert replacements and installations, rock sourcing, reforestation, snag creation, and in-stream tree felling.

EPA supports the overall purpose of the proposed action to implement the Resource Management Plan. We are also pleased to note that the notice for the project includes clear maps showing the locations and extent of treatments, road activities, and land ownership. EPA encourages the development of an EA that fully evaluates and compares project alternatives and comprehensively assesses anticipated direct, indirect, and cumulative impacts of proposed treatments and subsequent activities. EPA offers the attached scoping comments to help inform the BLM of the topics and considerations which we believe will be important to address in the NEPA document for this project.

We appreciate the opportunity to review the EA scoping notice. If you have questions concerning our comments, please contact the assigned NEPA Reviewer, Caitlin Roesler at (206) 553-6518 or roesler.caitlin@epa.gov.

Sincerely,

Rebecca Chu, Chief
Policy & Environmental Review Branch

Enclosure

**U.S. EPA Detailed Comments on the Environmental Assessment Scoping Notice
for the Upper Willamina Forest Management Project in Oregon
May 2021**

Environmental Effects

We recommend that the EA include the environmental effects of the proposed project on natural resources and any necessary mitigation measures to reduce or offset those effects. This will involve the delineation and description of the affected environment or analysis area, indication of the impacted resources therein, the nature of the impacts, and proposed mitigation measures to reduce those impacts. The following topics specific to this project will be particularly helpful information to provide decision makers and the public:

Water Quality

Section 303(d) of the Clean Water Act requires the State of Oregon, and tribes with EPA-approved water quality standards, to identify the surface water bodies that do not meet the approved Water Quality Standards (WQS). Where WQS are not being met, a water quality restoration plan known as a Total Maximum Daily Load, or TMDL, is to be developed to improve water quality to protect the applicable beneficial uses and meet the associated criteria for each impaired water body. For waters with TMDLs, there may be specific recommendations for protecting water quality from adverse impacts due to non-point source practices (e.g., vegetation treatments in riparian areas or in-stream). As there are many waterways in the project area, it is possible the proposed vegetation treatments could result in potentially adverse impacts to water quality and aquatic resources. EPA recommends the EA disclose the waters in and around the analysis area, which may be impacted by the proposed treatments, the nature of the potential impacts, and the potential pollutants likely to affect water quality and the state WQS.

Because the anti-degradation provisions of the CWA prohibit degrading water quality within water bodies that are currently meeting WQS, EPA recommends the EA indicate how the proposed action will meet the anti-degradation policy of the State of Oregon. See 40 CFR 131, as well as the Oregon WQS, for more information regarding beneficial uses, water quality criteria, and anti-degradation policies.¹

If the proposed treatments may also impact waters which serve as sources of drinking water, EPA recommends the BLM work in collaboration with the State of Oregon to help communities protect these source waters in accordance with the Safe Drinking Water Act. The EA analysis will therefore need to identify all drinking water sources within the analysis area, any potential contamination of these sources that may result from the treatments, and measures that will be taken to protect these sources of drinking water.

Roads and Sedimentation

The scoping document indicates that proposed activities will include road construction, renovation, and decommissioning. Whenever possible, EPA encourages use of existing road systems that do not require extensive reconstruction and to minimize road construction to the maximum extent practicable. We therefore recommend that the EA:

¹ <http://www.oregon.gov/deq/Filtered%20Library/IMDantideg.pdf>

- Include a description of how roads in the watershed currently impact resources and describe the change in road miles and density that will occur because of this action;
- Disclose where existing roads will be reconstructed and the current impacts or improvements they present to the resources of concern;
- Describe enforcement measures to be utilized and the monitoring program to be implemented to ensure road closures, if any, are effective; and
- Provide information on measures to be taken to decommission/stabilize roads in a manner that will stabilize soils and keep them in place.

Aquatic Resources

We understand that silvicultural treatments can benefit riparian stands where stand density, structure, or species composition are not sustainable or appropriate to the forest type that will naturally occur on a site. Where silvicultural treatments are needed to achieve or accelerate restoration of system potential riparian conditions, we support those treatments. EPA recommends that the EA:

- Include information on site-specific demonstration that treatments are needed to achieve or accelerate system potential riparian conditions, particularly where riparian treatments have the potential to impact water quality and associated riparian functions;
- State if a following a fish work window will be necessary to avoid impacts to fish-bearing streams;
- Provide site specific rationale for treatments based on the need to protect or restore the riparian ecosystem; and
- Discuss reasons why treatments in riparian zones will be necessary and alternatives considered to limit treatments' impacts on riparian resources.

Vegetation and Habitat

Implementation of this action may generate impacts on wildlife species and habitat connectivity. EPA recommends that the EA:

- Describe the current quality and potential capacity of habitat, its use by fish and wildlife, and identify known fish and wildlife corridors, migration routes, and areas of seasonal fish and wildlife congregation;
- Include mitigation measures to minimize potential impacts on aquatic and terrestrial habitats;
- Discuss effects on habitat fragmentation, including the creation of edge effects favoring some species, and mitigation measures for the effects;
- Include information regarding the density of tree removal per acre;
- Specify whether vegetation removal would occur on steep slopes and in or near riparian areas;
- Explain how thinning and other tree removal operations will support retention of forest structures (e.g., large snags, downed logs, large organic debris on forest floor) that are important for wildlife migration, recruitment and dispersal, rearing, and feeding;

- Address native and rare plants in the planning area, their locations, how their sites will be managed to minimize impacts; and
- Identify existing BLM direction for invasive species management, current conditions, and best management practices to reduce the likelihood of introduction and spread of invasive species in the planning area. See Executive Order 13112 on *Invasive Species*.²

Air Quality

Construction equipment for project work may impact air quality, so EPA recommends that the EA:

- Discuss ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards (NAAQS), and criteria pollutant non-attainment areas in the analysis area and vicinity, if applicable;
- Specify all emission sources and quantify related emissions;
- Estimate criteria pollutant emissions for the analysis area and discuss the timeframe for release of these emissions from construction through the lifespan of the proposed project; and
- Discuss mitigation measures to minimize air quality impacts from this project.

Endangered Species Act

EPA appreciates BLM's efforts to improve habitat for the northern spotted owl and the marbled murrelet. We recommend that the EA:

- Identify other ESA species in the project area, if applicable;
- Describe critical habitats for ESA species;
- Discuss impacts the project is likely to have on ESA species and their critical habitats; and
- Indicate how this action will meet all requirements under ESA, including consultation with the U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration.

Cumulative Effects

Because BLM lands are often intertwined with a mix of other privately, state, and federally owned lands, we recommend that the EA assess cumulative effects by analyzing the effects of past, present and reasonably foreseeable projects near the planning area and vicinity. Where adverse cumulative impacts may exist, the EA would need to disclose the parties that would be responsible for avoiding, minimizing, and mitigating those adverse impacts. Based on the EPA guidance on analysis of cumulative impacts, we will assess whether the EA's analysis of the impacts include the following information:

- Resources, if any, that are being cumulatively impacted;
- Appropriate geographic area and the time over which the effects have occurred and will occur;
- All past, present, and reasonably foreseeable future actions that have affected, are affecting, or would affect resources of concern in the planning area;

² <https://www.govinfo.gov/content/pkg/FR-1999-02-08/pdf/99-3184.pdf>

- A benchmark or baseline; and
- Scientifically defensible threshold levels.³

Climate Adaptation

EPA recommends that the EA include a discussion of reasonably foreseeable effects that changes in the climate may have on the proposed action and the planning area. This could help inform the development of measures to improve the resilience of the program. If projected changes could notably exacerbate the environmental impacts of the program, EPA recommends these impacts also be considered as part of the NEPA analysis and measures to be taken to minimize the impacts.

Coordination with Tribal Governments

If the proposed action will affect tribal resources, EPA recommends that the EA describe the process and outcome of government-to-government consultation between BLM and each of the affected tribal governments, issues raised, if any, and how to address them. See Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*.⁴

Public Participation and Environmental Justice

EPA recommends the EA disclose what efforts were taken to ensure effective public participation during the development of the impact analysis. In addition, if communities with Environmental Justice concerns will be impacted by the proposed project, the EA will need to disclose what efforts were taken to meet the federal government environmental justice requirements consistent with Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority and Low-Income Populations*.⁵ One tool available to use in assessing environmental justice impacts is the EPA's EJSCREEN.⁶ Other useful resources in evaluating EJ and inequity issues include:

- *The Citizen's Guide to the National Environmental Policy Act*;⁷
- *Community Guide to Environmental Justice and NEPA Methods*;⁸ and
- *Promising Practices for EJ Methodologies in NEPA Reviews*.⁹

Monitoring and Adaptive Management

If the treatment areas have been treated in the past, EPA recommends that the EA discuss any monitoring data collected to date and the relevance of the existing results to this proposed action. We also recommend the proposed project be designed to include an effective feedback element, which includes both implementation and effectiveness monitoring. Monitoring is a necessary and crucial element in identifying and understanding the consequences of actions. For the proposed project, monitoring will show whether the proposed treatments will be effective in reducing environmental impacts. This information will also be helpful in planning future land management activities.

³ <http://www.epa.gov/compliance/resources/policies/nepa/cumulative.pdf>

⁴ <https://www.govinfo.gov/content/pkg/FR-2000-11-09/pdf/00-29003.pdf>

⁵ <https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf>

⁶ <https://www.epa.gov/ejscreen>

⁷ https://ceq.doe.gov/get-involved/citizens_guide_to_nepa.html

⁸ <https://www.energy.gov/sites/prod/files/2019/05/f63/NEPA%20Community%20Guide%202019.pdf>

⁹ https://www.epa.gov/sites/production/files/2016-08/documents/nepa_promising_practices_document_2016.pdf